

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

AP
CLM

Kingsley Bernard,
Petitioner,

ORDER

-vs-

CV-09-3270 (FB)

United States of America,
Respondents.

On January 5, 2010 the pro se petitioner filed a motion seeking summary judgment, because the government had not yet served or electronically filed their response to his petition pursuant to 28 U.S.C. Section 2255. On December 15, 2009 the government electronically filed their third letter application requesting an extension of time until December 24, 2009 to serve and file their response and on December 24, 2009 the government served and electronically filed their response. Accordingly it is

HEREBY ORDERED that the pro se petitioner's motion for summary judgment is DENIED.

The clerk is directed to mail copies of this notice to all parties.

DATED: Brooklyn, New York
January 15, 2010

/Signed by Judge Block/

U.S.D.J.

cc.: Kingsley Bernard, pro se petitioner